Pacific Data Systems DOCKET NO: OPA-PA-18-004 INTERESTED PARTY HEARING BRIEF RECEIVED OFFICE OF PUBLIC ACCOUNTABILITY **PROCUREMENT APPEALS PACIFIC DATA SYSTEMS** Dec 28, 2013 DATE: 1 185 ILIPOG DRIVE HBC BLDG SUITE 204A TIME: 427 DAM XIPM BY: FOU 2 TAMUNING, GUAM 96913 FILE NO OPA-PA: 18-004 TELEPHONE: (671) 300-0200 3 FACSIMILE: (671) 300-0265 4 **BEFORE THE** 5 OFFICE OF PUBLIC ACCOUNTABILITY 6 PROCUREMENT PETITION 7 8 IN THE PETITION OF DOCKET NO: OPA-PA-18-004 9 TELEGUAM HOLDINGS, LLC dba GTA INTERESTED PARTY RESPONSE TO 10 **GENERAL SERVICES AGENCY** Appellant REPLIES TO OPPOSITION HEARING 11 **BRIEF** 12 Comes now Pacific Data Systems (PDS) to provide its reply to the Opposition to 13 14 the Hearing Brief submitted by the General Services Agency (GSA) through its counsel 15 on the Teleguam Holdings, LLC, (dba GTA) Appeal related to the General Services 16 Agency (GSA) Invitation For Bid GSA-064-11. 17 18 **RESPONSE** 19 PDS continues to concur with GSA's conclusion that this current matter before 20 the Public Auditor is barred on basic jurisdictional principles, statute of limitations, and 21 Res Judicata. 22 Additionally, GTA withdrew their bid in the GTA response to GSA's request for 23 confirmation. GTA removed themselves from any right to protest by invalidating and 24

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withdrawing their bid, thus removing GTA from further consideration in this procurement.

SUMMARY

As GSA has stated, GTA's protest filing is without merit, all issues in this procurement have been litigated and the GSA awards in this procurement have been affirmed by the Supreme Court's Decision. GTA' de facto withdrawal of its bid on June 8, 2018 further invalidates GTA's protest and this appeal. We request that the OPA DENY this GTA appeal and make the legal findings of fact in this case to preclude further procurement controversies by GTA.

RESPECTFULLY SUBMITTED this 28th day of December 2018.

PACIFIC DATA SYSTEMS

JOHN DAY

President